

**REMARKS/ARGUMENTS**

Claims 1 - 15, and 17 are now in the case, Claims 1, 2 and 11 have been amended, and Claim 16 has been cancelled. Claim 17 is newly added. The claims as now in the case are presented for reexamination.

Initially, the Examiner is thanked for the courteous interview granted to Applicants' representative on November 7, 2007. The substance of said interview is discussed herein below. However, is noted that at the interview, the Examiner stated that Claim 1 as amended herein appears to overcome the current rejection thereof..

In the outstanding Office Action, the Examiner objected to Claim 11 for failing to have an antecedent basis and Claim 16 as being duplicative of Claim 7. In addition, the Examiner rejected the sole independent claim, Claim 1, and Claims 2,4, and 5 dependant thereon as being anticipated by the US Walden patent No. 2,515,680 (Walden); and rejected all of the remaining claims as being obvious over Walden in view of one or more additional patents.

The objection to Claim 11 has been obviated by adding the

element of a rib to the claim plus other structural elements relating to the line level, and making the claim dependent on Claim 1 to avoid the problem of the claim being duplicative. Foundation for these amendments to Claim 11 is found in the original claims, such as original Claims 7 and 9. It is submitted that no new matter has been entered into Claim 11 by these amendments.

The objection to Claim 16 has been obviated by cancelling this claim.

The rejection of Claim 1 as being anticipated by Walden has been overcome by amending this claim to recite that the access to the wheel rim surface has been limited to a minor arc portion of the wheel rim by the size (i.e. The length) of a cutout in the surround. Support for this amendment is found in Figs. 1 and 5 and in the specification beginning at the last paragraph on page 5 and extending to the top of page 6, lines 1-4.

Also, Claim 2 has been amended to recited more specific features of the elements that limit access to the wheel. None of the added features are disclosed in the applied or merely cited references. The support for the language added to Claim 2 is found in the present application in the above referenced portion

of the specification and in at least FIGs. 1, 3, 5 and 6. It is thus submitted that no new matter has been added by this Claim.

In addition, a new claim, Claim 17, has been added claiming that the body of the pocket level is comprised of a thermoplastic material. This claim emphasizes the inexpensive nature of the level and also that the claimed angle finder has a structure that it can be mounted in such a plastic material. The support for Claim 17 is found in the present specification at page 5, line 12-13. It is thus submitted that no new matter has been added by this Claim.

A pocket level in accordance with an embodiment of the present invention was shown to the Examiner at the interview. This embodiment was made of a hard plastic (described in the specification at page 5, line 12-13 as a thermoplastic material and now claimed in newly added Claim 17) and meant to be purchased and used in the DIY (Do It Yourself) market. This market requires that the products be quite inexpensive. Thus, to bring down the price of this pocket level, simplicity was employed, such as an angle finder comprised of a wheel rim rotatably supported by the pocket level body and having a non-slip circumference in the form of axial ridges (see Fig. 1 at 59). A bubble vial is mounted in the wheel. As thus

constructed, and as claimed in Claim 1, the pocket level can be held in one hand, placed against an angled surface, and the wheel rotated by the thumb or finger of the holding hand until the bubble in the vial is level with the horizontal. The angle of the wheel that was required to make the bubble level with the horizontal is the same angle as the angle of the surface, and it is read off of an index of angle markings 24. See Fig. 1. In order to make this operation possible, the operating thumb or finger must be able to extend to the top of the wheel, and this can be done only if a minor arc portion of the wheel rim is accessible through the throughgoing cutout in the surround. Claim 2 has been amended to claim the elements of the angle finder in greater detail.

The cited Walden patent has a wheel (called a "ring member 14") that extends above the body 12 of the level more than the claimed minor arc portion, thereby preventing a single hand operation of the wheel. It also lacks the claimed "non-slip circumferential wheel rim surface" thereby requiring a two hand operation: one hand to hold the level; and one hand to rotate the wheel. In addition this reference does not disclose all of the limitations added to Claim 2.

For the above reasons, it is submitted that the present

Claim 1 is neither anticipated by the Walden patent nor rendered obvious by that patent taken alone or in combination of any of the other one or more patents cited or reviewed by the Examiner.

The Examiner also mentioned the U.S. Kocisko patent No. 1,215,035. However that reference as observed by the Examiner does not have the wheel to which the bubble vial is mounted accessible above the level surround. Instead the level employs a gearing arrangement so that the wheel can be rotated. Such an arrangement adds greatly to the expense of the level and practically requires a much stronger level body, resulting in a heavy level. Newly added claim 17 supports the inexpensiveness and lighter weight of the level by claiming that the body is of a "thermoplastic material."

All of the remaining claims are dependent on Claim 1 and thus are patentable over all of the applied or simply cited references. Thus all of the obviousness rejections have been obviated.

The references cited, but not applied by the Examiner, have been reviewed, but it is submitted that the present Claim 1 and Claim 2 are patentable over them either individually or in combination with other references cited in the case.

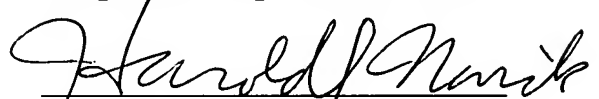
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Amdt dtd November 7, 2007  
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Accordingly, it is submitted that all of the claims in the present application is in condition for allowance and such action is requested.

Please charge any required fee, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,

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